



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF SOIL AND WATER CONSERVATION
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

OFFICE OF THE
DIRECTOR

TELEPHONE: (302) 739-9921
FAX: (302) 739-6724

Memorandum

DATE: August 26, 2008

TO: Delaware Sediment and Stormwater Program
Regulatory Advisory Committee

FROM: Elaine Z. Webb, P.E., Engineer IV *EW*
Sediment & Stormwater Program

RE: Delaware Sediment and Stormwater Regulations Revisions
Status Update

CC: Interested Parties

It has been several months since the last meeting of the full Regulatory Advisory Committee. I would like to take this opportunity to update you on the status of the revisions to the *Delaware Sediment and Stormwater Regulations*.

Following the last RAC meeting in March, the Technical Subcommittee continued to meet on a monthly basis in April and May. The Technical Subcommittee's primary goal was to review the technical alternatives analysis prepared by JMT of our consultant team.

DNREC Sediment and Stormwater Program staff coordinated with the Center for Watershed Protection (CWP) to clarify the subcommittees' comments in development of the first working draft. In June, we received the first working draft of the revised regulations from CWP. Once received, DNREC staff went to work reorganizing the draft regulations and pulling sections out of the regulations to be included in a technical guidance document.

Currently, we are assembling the technical guidance document, which is a considerable task that must be completed with diligence. The draft regulations define what must be addressed, while the technical guidance document will define how implementation of the regulations will be accomplished. Subcommittee comments are being used to shape the guidance document.

Some major issues needing further definition within the regulations and guidance document remain. These issues include post construction stormwater management criteria including water quality requirements, stream protection criteria, infill, redevelopment, and brownfield criteria, stormwater credits, and downstream capacity analysis, as well as easements, financial guarantees, and all elements of maintenance. CWP has researched these topics regarding how surrounding states and areas with similar physical characteristics have regulated these issues. Their research will help us to determine the path forward on these topics.

It is our intent to reconvene the RAC once the technical guidance document is more complete. You may expect the next meeting of the RAC to be scheduled in early October. If you should have any questions, please do not hesitate to contact me at (302) 739-9921 or Elaine.Webb@state.de.us.

Delaware's good nature depends on you!